IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 608 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

MAGANBHAI JIVANBHAI VASAVA

Appearance:

MRS VASAVDATTA BHATT for Petitioner

MR GK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 11/01/2001

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr.J.P.Raval for Mr.G.K.Rathod. At the request of the learned advocates, the petition is finally heard today.

2. By virtue of the present petition, the petitioner has challenged the award dated 4.3.1998 passed by the Industrial Tribunal, Baroda. The facts leading to the present petition in a nutshell are as under.

3. The respondent is working as a Conductor under the petitioner-Road Transport Corporation. It is the case of the petitioner that on 11.9.1986 when the respondent was performing his duties as a Conductor, he had not issued tickets to certain passengers though he had recovered the fare from the passengers. In view of the said misconduct committed by the respondent, departmental enquiry had been initiated against the respondent and by order dated 19.1.1988 the petitioner authority had inflicted punishment upon the respondent whereby his salary was reduced by 12 stages. Being aggrieved by the said order, a review application was filed by the respondent before the higher authority and ultimately after hearing the concerned parties, it was directed that the salary of the respondent should be further reduced from Rs.829/-p.m. to Rs.779/-p.m.

4. Being aggrieved by the above order inflicting the punishment upon the respondent, the respondent had initiated proceedings under the provisions of the Industrial Disputes Act, 1947 and ultimately the Industrial Tribunal had reduced the punishment by the impugned order. By virtue of the said order, the orders imposing punishment upon the respondent by the petitioner were quashed and set aside and it was directed that the salary of the respondent should be reduced by only six stages.

5. After making submissions, the learned advocates have very frankly submitted that the impugned order requires modification and they have left to this Court as to how much punishment should be inflicted upon the respondent. Looking to the facts and circumstances of the case and upon hearing the submissions made by the learned advocates, in my opinion the ends of justice would be served if the punishment inflicted upon the respondent is increased to certain extent. The award whereby the salary of the respondent has been reduced by six stages is quashed and is modified to the effect that salary of the respondent shall be reduced by eight stages. Rest of the award shall remain as it is.

6. Rule is made absolute to the aforesaid extent with no order as to costs.

11.1.2001 (A.R.DAVE,J)